

CONDRA SMITH,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF,
EDUCATION, et al,

Defendant.

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CHRISTOPHER B. NATHANSON
CLERK OF DISTRICT COURT
12TH AND SUPERIOR COURTS
274

Plaintiff Condra L. Smith brings this Complaint for fraud, civil conspiracy to commit fraud, larceny and theft by conversion against Defendants U.S. Department of Education, Pioneer Credit Recovery, General Revenue, USA Funds c/o Navient also d.b.a Great lakes d.b.a Ascendium Education Solutions, Inc. and alleges as follows:

1. Plaintiff, Condra Smith ("Smith"), brings this action against Defendant, United States Department of Education, et al, ("Defendant") alleging fraud, and civil conspiracy to commit fraud, larceny and theft by conversion.
2. USA Funds C/O Navient also d.b.a Great Lakes, d.b.a. Ascendium Education Solutions, Inc. has garnished Smith's wages and other entitled money

without giving proof of Condra L. Smith has taking out a loan(s) or received any moneys.

3. USA Funds C/O Navient also d.b.a Great Lakes, d.b.a. Ascendium Education Solutions, Inc Documents of a Perkins loan does not have Condra L. Smith signatures nor her handwriting on any of the documents.
4. USA Funds C/O Navient also d.b.a Great Lakes, d.b.a. Ascendium Education Solutions, Inc worked with Pioneer to unlawfully garnished and withhold entitled money from Condra L. Smith
5. Pioneer Credit Recovery Continued to unlawfully garnished Condra L. Smith wages during an investigation by USA Funds C/O Navient also d.b.a Great Lakes, d.b.a. Ascendium Education Solutions, Inc
6. General Revenue Documents regarding a Stafford loan does not have Condra L. Smith's signatures nor has her handwriting.
7. U.S. of Education has referred these fraudulent loans to the department of Treasury for collection by an offset of Condra L. Smith's federal (and in some cases state) tax returns. In which Condra L. Smith is asking that the offset be return as part of her relief.

II. PARTIES

8. Smith is a resident of the State of Indiana, who at all times relevant to this action resided within the geographical boundaries of the Northern District of Indiana.

9. Defendants maintains offices and conducts business within the geographical boundaries of the Northern District of Indiana.

III. JURISDICTION AND VENUE

10. Jurisdiction is conferred on this Court over the subject matter of this litigation pursuant to 28 U.S.C. §1331; 28 U.S.C. § 1343; and 42 U.S.C. §2000e-5(f)(3).

11. This Court has jurisdiction over Plaintiff's related state and common law claims pursuant to the doctrine of supplemental jurisdiction, 28 U.S.C. § 1367.

12. This Court has personal jurisdiction over the defendants, because all of the defendants conduct business in Indiana.

13. Given these facts and that no other district has personal jurisdiction over all defendants, the ends of justice require this Court's exercise of personal jurisdiction over the defendants.

14. A substantial part of the events, transactions, and occurrences relevant to this lawsuit arose within the geographical environs of the Northern District of

Indiana; thus, venue is proper in this Court.

15. This court has subject matter jurisdiction

IV. FACTUAL ALLEGATIONS

16. Condra L. Smith attended the university on a scholarship and while attending there received additional scholarships and awards.

17. The documents that the defendant's hold clearly shows that the hand writing and signatures do not have Condra L. Smith's handwriting, or signatures.

18. Defendants have garnished Smith wages and other entitled money without giving proof of Condra L. Smith taking a loan(s) or receiving any money. Due to this action(s) Smith has lost her job.

19. USA Funds c/o Navient... worked with Pioneer to unlawfully garnish and withhold entitled money from Condra L. Smith during an investigation

20. General Revenue Documents regarding a Stafford loan does not have Condra L. Smith's signatures nor her handwriting

21. U.S. of Education has referred these fraudulent loans to the department of Treasury for collection by an offset of Condra L. Smith's federal (and in some cases state) tax returns. In which Condra L. Smith is asking that the offset be return as part of her relief.

V. CAUSES OF ACTION

22. Smith hereby incorporates paragraphs one (1) through (21) of her complaint.

23. Defendants allowed Smith to be harassed and robbed of thousands of dollars

24. Defendant's actions were intentional, willful and in reckless disregard of Smith's rights

25. Smith suffered damages as a result of Defendant's unlawful actions.

VI. REQUESTED RELIEF

WHEREFORE, Plaintiff, Condra Smith, respectfully requests that this Court enter judgment in her favor and award her the following relief:

1. Declare that the policies, customs, and practices complained of herein are unlawful and violation of Smith's rights under 42 U.S.C. § 2000e et. seq. and 42 U.S.C. § 1981;
2. Permanently enjoin Defendant, its agents, employees, and those acting in concert with them from engaging in each of the unlawful practices, policies, customs, and usages regarding Smith and complained of herein and from continuing any and all other practices, policies, customs, or usages against Smith and shown to be in violation of applicable law;
3. Order modification or elimination of practices, policies, customs, and usages against Smith and complained of herein and all other such practices, policies, customs, or usages against Smith and shown to be in violation of applicable law

so that Defendant, its agents, and employees do not retaliate toward Smith and others;

4. Permanently order that any and all loans concerning Smith regarding any of the illegal actions complained of herein be dismissed/discharged; dismissal of the Perkins and Stafford loans
5. Order all moneys garnished and withheld from Smith be returned to Smith
6. Compensation for any and all other damages suffered as a consequence of Defendant's unlawful actions;
7. Compensatory damages for Defendant's violations of Title VII and 42 U.S.C. § 1981, as amended, including her lost earnings, lost job benefits, future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, humiliation, embarrassment, injuries to her reputation, and other nonpecuniary losses;
8. Punitive damages for Defendant's violations of Title VII and 42 U.S.C. § 1981; Defendants' conduct as alleged in paragraphs 2-7 and 17-21 above was done in furtherance of their own private interests, and was willful, malicious, wanton, and oppressive, and done with conscious and callous indifference to the consequences and with specific intent to harm. Smith entitled to an award of punitive damages from Defendants.
9. All costs and court fees incurred as a result of bringing this action; Because of Defendants' violations of VA Code § 18.2-499, Defendants are liable to Plaintiff for three times the damages Plaintiff has sustained, plus the cost of this suit.

10. Pre- and post-judgment interest on all sums recoverable; and
11. All other legal and/or equitable relief this Court sees fit to grant.
12. Defendants, and each of them, also conspired to commit the frauds alleged herein, in that all Defendants conspired to accomplish to take money and had a meeting of the minds to accomplish that goal through one or more unlawful acts of fraud, and theft by conversion as alleged herein, and Smith suffered harm as a result of Defendants' conduct and conspiracy.

Respectfully Submitted



By: Condra L. Smith
3301 Lafayette St
Fort Wayne, In 46806
(260) 745-3551
Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff, Condra Smith, by counsel, requests a trial by jury on all issues deemed so triable.

Respectfully Submitted

By: Condra L. Smith
3301 Lafayette St
Fort Wayne, In 46806
(260) 745-3551
Plaintiff